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# A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that victims of domestic  
2 violence currently lack meaningful support and viable options  
3 when establishing a plan to leave an abuser. Independence of a  
4 wireless phone plan may often aid these victims in formulating  
5 and following through on a means of escape, especially in  
6 situations where the abuser is the account manager for the cell  
7 phone plan, and as a result, may view any calls and account  
8 activity of phones associated with the shared or family cell  
9 phone plan.

10           The legislature further finds that the major wireless  
11 telecommunications service providers currently permit  
12 cancellation or removal of phone numbers or phones from shared  
13 or family wireless service contracts, albeit with substantial  
14 fees attached. The substantial cancellation fees often amplify  
15 the hardship faced by the domestic violence victim because of  
16 the financial challenges those fees can pose.

17           The legislature recognizes that a variety of options should  
18 be afforded to victims of domestic violence when seeking to be



1 released from a shared or family cellular phone plan. While  
2 seeking a protective order issued by the family court to be  
3 released from a shared wireless plan is a viable option, the  
4 legislature recognizes that some victims of domestic violence  
5 may not be willing or financially able to obtain a court order.  
6 Accordingly, another viable option for a victim of domestic  
7 violence is to submit an opt-out request to be released from a  
8 shared or family cellular phone plan, especially under limited  
9 time constraints.

10 The purpose of this Act is to assist victims of domestic  
11 violence by providing victims with options to be released from  
12 shared or family cellular phone plans. Specifically, this Act:

13 (1) Requires all wireless telecommunications service  
14 providers to release, without charge, penalty, or fee,  
15 victims of documented domestic violence from shared  
16 wireless plans involving their abuser; provided that  
17 the victims submit an opt-out request in writing and  
18 evidence of domestic violence as documented by a valid  
19 police report; and



1 (2) Authorizes the family court to issue an order  
2 requiring wireless telecommunications service  
3 providers, without charge, penalty, or fee, to:

4 (A) Transfer billing authority and all rights to the  
5 wireless numbers of a shared wireless plan to a  
6 petitioner who has been granted an order of  
7 protection pursuant to chapter 586, Hawaii  
8 Revised Statutes, if the petitioner is not the  
9 account holder; or

10 (B) Remove or release a petitioner from a shared  
11 wireless plan and assign a substitute telephone  
12 number or numbers.

13 SECTION 2. Chapter 269, Hawaii Revised Statutes, is  
14 amended by adding a new section to be appropriately designated  
15 and to read as follows:

16 **"§269- Release of domestic violence victims from shared**  
17 **wireless plans.** (a) All wireless telecommunications service  
18 providers shall release, without charge, penalty, or fee, any  
19 victim of domestic violence from a shared or family wireless  
20 service contract involving the victim's abuser; provided that  
21 the victim submits an opt-out request in writing and with



1 evidence of domestic violence as documented by a valid police  
2 report documenting an instance or series of instances of  
3 domestic violence.

4 (b) Any victim of domestic violence who submits an opt-out  
5 request to a wireless telecommunications service provider  
6 pursuant to subsection (a) may further request a substitute or  
7 new phone number or alternative telecommunications service.  
8 Upon such request, the wireless telecommunications service  
9 provider shall provide a substitute or new phone number or  
10 alternative telecommunications service without charge, penalty,  
11 or fee and within twenty-four hours from the time the opt-out  
12 request is submitted to the wireless telecommunications service  
13 provider.

14 (c) For purposes of this section:

15 "Domestic violence" shall have the same meaning as in  
16 section 321-471.

17 "Wireless telecommunications service" shall have the same  
18 meaning as "commercial mobile radio service" as defined in title  
19 47 Code of Federal Regulations section 20.3.

20 "Wireless telecommunications service provider" means a  
21 provider of wireless telecommunications service."



1 SECTION 3. Chapter 586, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 **"§586- Transfer or release of domestic violence victims**  
5 **from shared wireless plans.** (a) The court may issue an order  
6 requiring a wireless telecommunications service provider,  
7 without charge, penalty, or fee, to:

8 (1) Transfer the billing authority and all rights to the  
9 wireless telephone number or numbers of a shared  
10 wireless plan to a petitioner who has been granted an  
11 order for protection pursuant to this chapter if the  
12 petitioner is not the account holder of the shared  
13 wireless plan; provided that if the petitioner is not  
14 the protected party named in the order for protection,  
15 the billing authority and rights to the wireless  
16 telephone number or numbers of a shared wireless plan  
17 may be transferred to another person who shall serve  
18 as the account holder, as requested by or on behalf of  
19 the protected party with the protected party's  
20 approval; or



1       (2) Remove or release the petitioner from a shared  
2       wireless plan and assign a substitute telephone number  
3       or numbers; provided that if the petitioner is not the  
4       protected party named in the order for protection, the  
5       court may order that the protected party be removed or  
6       released from a shared wireless plan and assigned a  
7       substitute telephone number or numbers and order a  
8       person, as requested by or on behalf of the protected  
9       party with the protected party's approval, to be the  
10       account holder for the substitute telephone number or  
11       numbers.

12       (b) The order issued pursuant to subsection (a) shall be a  
13       separate order that is directed to the wireless  
14       telecommunications service provider. The order shall list the  
15       name and billing telephone number of the account holder, the  
16       name of the person to whom the telephone number or numbers will  
17       be transferred, and each telephone number to be transferred.

18       (c) A cause of action shall not lie against any wireless  
19       telecommunications service provider, its officers, employees, or  
20       agents for the actions taken that are related to the transfer of  
21       the billing authority and rights to the wireless telephone



1 number or numbers in accordance with the terms of a court order  
2 issued pursuant to this section.

3 (d) For purposes of this section:

4 "Domestic violence" shall have the same meaning as in  
5 section 321-471.

6 "Wireless telecommunications service" shall have the same  
7 meaning as "commercial mobile radio service" as defined in title  
8 47 Code of Federal Regulations section 20.3.

9 "Wireless telecommunications service provider" means a  
10 provider of wireless telecommunications service."

11 SECTION 4. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun before its effective date.

14 SECTION 5. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on January 7, 2059.

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**Report Title:**

Domestic Violence; Wireless Plans; Wireless Telecommunications Service Providers; Contractual Release

**Description:**

Requires wireless telecommunications service providers to release individuals from shared or family wireless plans, without charge, upon written request in documented instances of domestic violence. Authorizes the family court to issue an order requiring wireless telecommunications service providers, without charge, to transfer billing authority and rights to phone numbers of a shared wireless plan to a petitioner who is a domestic abuse victim; or release a petitioner who is a domestic abuse victim from a shared wireless plan and assign a substitute telephone number. Specifies parties entitled to relief and payment responsibilities in situations where the petitioner is not the protected party named in the order for protection. Effective 1/7/2059. (SD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

